

REMARKS/ARGUMENTS

Claims 26 and 30-48 were pending. Claims 26, 37-39, 45 and 47 have been canceled and claims 30, 32 and 48 have been amended. Therefore, upon entry of this amendment, which is respectfully requested, claims 30-36, 40-44, 46 and 48 will be pending.

Claims 26 was rejected under 35 USC §102(b) as being anticipated by Neuschaefer et al (WO 96/35940). In order to expedite prosecution and issuance of a patent, claim 26 has been canceled.

Additionally, claims 30, 32 and 48, depending directly from canceled claim 26, have been amended to include all the limitations of canceled independent claim 26. Claims 30 and 32 were also amended to change "anormal" to "abnormal" so as to be consistent with the specification.

Claims 30-48 have been rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-34 of US Patent No. 6,707,561 (a parent case).

Although it is believed that the double patenting rejection is improper due, in part, to the restriction requirements issued in the parent cases, Applicants hereby submit a Terminal Disclaimer, executed by the undersigned, in compliance with 37 CFR 1.321(c), so as to expedite prosecution and allowance of pending claims 30-36, 40-44, 46 and 48.

Applicants reserve the right to file a continuation application to pursue the subject matter of the claims canceled herein, and others, which claims are also believed to be patentably distinct from the claims of US Patent No 6,707,561, and which claims find support in parent application serial number 10/043,629, now US Patent No. 6,771,376, which is a continuation-in-part application of the parent application serial number 09/609,846, now US Patent No. 6,707,561.

Appl. No. 10/684,070
Amdt. dated October 20, 2004
Reply to Office Action of May 21, 2004

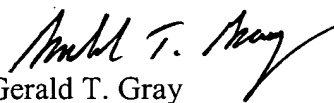
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


Gerald T. Gray
Reg. No. 41,797

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
GTG:sea
60336874 v1